

Honolulu, Hawaii

MAR 21 2014

RE: H.B. No. 2654
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Public Safety, Intergovernmental and
Military Affairs and Judiciary and Labor, to which was referred
H.B. No. 2654, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION,"

beg leave to report as follows:

The purpose and intent of this measure is ensure that victim
restitution payments are uniformly collected from inmates at the
rate of twenty-five percent of the total of all monies earned, new
deposits, and credits to an inmate's individual account,
notwithstanding any other law or court order to the contrary and
applicable to victim restitution orders issued after the effective
date of this measure.

Your Committees received testimony in support of this measure
from the Department of Public Safety, Department of the Attorney
General, Crime Victim Compensation Commission, Department of the
Prosecuting Attorney of the City and County of Honolulu, Office of
the Prosecuting Attorney of the County of Hawaii, Office of the
Prosecuting Attorney of the County of Kauai, The Sex Abuse
Treatment Center, and two individuals.

Your Committees find that when an offender is held fully
accountable to their crime victims, the recidivism rate is lower
than that of offenders who are not held responsible. Under
existing law, victim restitution payments collected from inmates
is twenty-five percent of all earnings, deposits, and credits in



an inmate's individual account. However, this collection has not been uniformly applied to all inmates due to conflicting court orders and lack of enforcement. This measure will ensure that victim restitution payments are uniformly collected from inmates at the rate of twenty-five percent, regardless of the sentencing date, and the amount may not be lowered by any other existing law or court order.

Your Committees note that this measure, as originally introduced during the Regular Session of 2014, provides that a twenty-five percent deduction of an inmate's individual account applies to all inmates regardless of the date that the sentence was imposed. The language in H.B. No. 2654 is preferable because it ensures offender accountability and provides financial justice to victims by restoring the retroactive application of the amendment.

Accordingly, your Committees have amended this measure by:

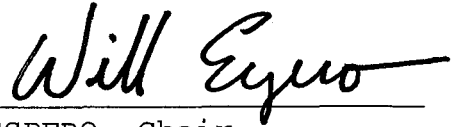
- (1) Deleting its contents and inserting the contents of H.B. No. 2654, which requires victim restitution payments to be uniformly collected from inmates at the rate of twenty-five percent of the total of all monies in an inmate's individual account, notwithstanding the sentencing date and any other law or court order to the contrary; and
- (2) Inserting an effective date of July 1, 2030, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2654, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2654, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental and Military
Affairs and Judiciary and
Labor,

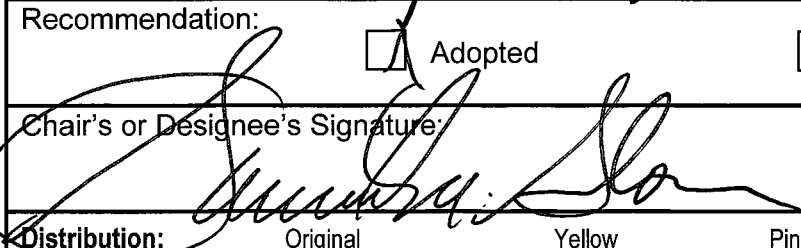


CLAYTON HEE, Chair

WILL ESPERO, Chair

The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 2654 HD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">PSM/JDL, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3-17-2014</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	X			
BAKER, Rosalyn H. (VC)				X
GALUTERIA, Brickwood	X			
GREEN, M.D., Josh				X
SLOM, Sam	X			
TOTAL	3	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

*Only one measure per Record of Votes

The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 2654 HD 1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">PSM/JDL, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">03-17-14</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)				✓
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les				✓
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	5			2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

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